

## **MILFORD PLANNING BOARD MINUTES**

July 20, 2004 Board of Selectmen's Meeting Room, Town Hall, 6:30 PM

PRESENT: Paul Amato, Chairman  
Steve Sareault  
Tom Sloan  
Jim Dannis  
Dick D'Amato  
Noreen O'Connell, BOS Representative  
Walker Fitch (absent)

Bill Parker, Director of Planning and Community Development  
Lincoln Daley, Staff Planner  
Bobbi Schelberg, Recording Secretary

1. **Minutes** – June 15, 2004 minutes to be distributed.

### **NEW BUSINESS**

2. **Kent & Kelly Sheldon – Echo and Foster Roads – Map 56, Lot 64-2.** Scenic Road Hearing for driveway location, possible tree clearing and partial stone wall removal.
3. **Marco and Herminia Maldonado – Wilton Road – Map 11, Lot 15.** Public Hearing for a Minor Site Plan to use existing outbuilding for a one room office with storage below.
4. **Jack Glover – 136 Federal Hill Rd – Map 48, Lot 47.** Public hearing for a two-lot subdivision of a 3.83 acre lot.
5. **Jamin Warren/Wyman Farms, LLC – Ponemah Hill Road – Map 53, Lot 25 and Map 54, Lots 1, 1-1, and 26.** Public Hearing for a Major Open Space Subdivision consisting of 12 lots.
6. **F & U Properties, LLC/Hy-Ten Die & Development Corp – 38 Powers St. – Map 43, Lot 40.** Public Hearing for a Major Site Plan to construct a 5,824 SF bulk warehouse addition to an existing industrial building.
7. **Sandy Hill Realty, LLC – Mile Slip Road – Map 50, Lot 4-4.** Public Hearing for a gravel operation to remove approximately 566,000 yards of material.
8. **Wilfred & Marilyn Piekarski – Osgood and Mason Roads – Map 42, Lots 49,**

- 50-1, 50-2, 50-3, 50-9, 50-10, and 55.** Public Hearing for a lot line adjustment and lot consolidation.
- 9. VHB/The Richmond Company – Nashua St – Map 44, Lot 10.** Review of building elevations, Retail A & Retail B.
- 10. Scott Brown – Union Street – Map 42, Lot 11.** Discussion for a proposed 24 lot subdivision of a 19.14 acre lot.
- 11. Melendy Limited Partnership c/o Donald Becker & Suzanne McLaren – Ball Hill & Young Roads – Map 51, Lot 22 –** Discussion for proposed three-lot subdivision within a forty-six (46) acre lot.

## **OLD BUSINESS**

- 12. Ledgewood Estates/T&R Development – Christine Drive – Map 43, Lot 23 –** Amendment of an approved site plan to change attached elderly condos from Four (4) four-unit condos and one (1) three-unit condo to fourteen detached elderly condos. (Tabled from 6/15/04)
- 13. Vizas Reality LLC/George Sklavounos – 524 Nashua Street, Map 32, Lot 7.** Major Site Plan for the construction of a new restaurant. (Tabled from 6/15/04)
- 14. Falcon Ridge/River Road Trust – Maple St. & Whiting Hill Road – Map 3, Lots 4 & 5.** (Tabled from 6/15/04)
- 15. Next meeting – Planning Board work session; July 27, 2004**

1. **Minutes** - S. Sareault motioned to approve minutes of the June 15<sup>th</sup> meeting but discussion ensued about the new procedure for approving minutes. Bill Parker stated that the Board had been for several months receiving the draft minutes for the prior month at the current meeting, then tabling approval until the next worksession. The intent was for everyone to receive and comment on the same version, rather than sending various versions on-line. S. Sareault withdraw his motion and approval of minutes was tabled to the August 3<sup>rd</sup> worksession.

## **NEW BUSINESS**

2. **Kent & Kelly Sheldon – Echo and Foster Roads – Map 56, Lot 64-2.** Scenic Road Public Hearing for a driveway location, possible tree clearing and partial stone wall removal.

Kent Sheldon, property owner of 56/64-2 presented the plan to construct a new driveway on Foster Road, and the modifications to the stone wall that were necessary. P. Amato asked applicant if he knew about the Scenic Road requirements of replacing the stone wall? K. Sheldon responded yes. P. Amato then asked for comments from the audience.

Dayna Preble, Foster Road abutter, asked if the driveway was near the stone wall that had been disturbed already, and said that applicant had already cut down trees at the stone wall so flatbed trucks can get through there. She also wanted to know what was going to happen to the culvert. K. Sheldon responded that the driveway is going to go above the culvert, and that the culvert will stay where it is. P. Amato then stated that the only trees that the Town must be concerned with are those within the town right away and the property owners can cut the trees on their own property. D. Preble then said she had heard rumors of a business going in there instead of a house. P. Amato said that they are here for a scenic road hearing and told her to take her issue up to Kevin Lynch since he is the code enforcement officer and she could also write to the Board of Selectmen

S. Sareault then asked applicant how wide the driveway would be. K. Sheldon said it would be twelve feet. N. O'Connell asked if the wall would be replaced or repaired, and the applicant stated it would be repaired. Kelly Sheldon, property owner and applicant stated that the building inspector had given an okay to use a temporary access.

J. Dannis expressed that it was not necessarily up to the building inspector to allow modification to the stone wall prior to a public hearing.

P. Amato closed Scenic Road Public Hearing. S. Sareault made a motion to grant disruption of the stone wall with the condition that removed stones be used to fill in the temporary entrance. N. O'Connell seconded the motion and all in favor.

3. **Marco and Herminia Maldonado – Wilton Road – Map 11, Lot 15.** Public Hearing for a Minor Site Plan to use existing outbuilding for a one-room office with storage below.

Chairman Amato recognized the applicant, Marcos Maldonado. D. Damato then made a motion that the application represented no potential regional impact, seconded by Steve Sareault and all in favor.

S. Sareault made a motion to accept the application, seconded by J. Dannis, all in favor. B. Schelberg read the abutters list. The Chairman then asked M. Maldonado to explain his project, and the applicant stated he was looking to convert the existing building on his property for office space, to house a painting business. Dave Keene, the owner of the proposed business then addressed the Board and explained he needed a small area in which to bring customers and conduct his business, in that now he operates out of a truck. This would allow a place for his color swatches and samples, paint supplies, blueprint reading, and an answering machine. There was brief discussion on whether any outside storage and storage of hazardous materials was going to take place, if parking was adequate, and what signage would be involved.

Lincoln Daley stated the plan met the site plan requirements.

Board opens up hearing to audience. Joseph Trowbridge, Jerry's Way, Milford, wanted to know if building was in residential area. Answer from P. Amato is that the property is in limited commercial area.

S. Sareault motioned to approve application subject to staff conditions and that there be no with no outside storage or chemical storage. J. Dannis seconded and all in favor.

4. **Jack Glover – 136 Federal Hill Road – Map 48, Lot 47.** Public hearing for a two-lot subdivision of a 3.83 acre lot.

S. Sareault made a motion that there is no Regional Impact, T. Sloan seconded and all in favor. S. Sareault then made a motion to accept application, T. Sloan seconded and all in favor.

B. Schelberg read the abutters list. Attorney Alex Buchanan, representing the applicant, Jack Glover, then addressed the Board. He stated that the proposed lots met the zoning laws, and the new lot will have 91,000 square feet and will have adequate frontage. He presented a letter of support from abutter Bert Becker.

D. Damato asked if the applicant was aware that Federal Hill Road is a Scenic Road and that he may have to come back before the Board. S. Sareault then asked L. Daley if they're adequate sight distance, and A. Buchanan stated that their surveyor, Dave O'Hara had checked sight distance out and there was adequate sight distance. T.

Sloan questioned this. A. Buchanan presented pictures of the driveway location to the Board, and P. Amato stated that these concerns could be addressed at the scenic road public hearing, if necessary. Discussion ensued on the driveway location.

P. Amato opened up the public hearing.

F. Stetson, Federal Hill Road, addressed monumentation issues with his property, and also noted there was a water drainage problem at the location of the propose driveway, which was historically a hazardous condition. P. Amato recommended that the issue be resolved with the surveyor.

Abutter Dave Spaulding stated that regardless where the driveway ends up, the drainage issue needs to be addressed. Abutter Marcelle O'Neill stated that when there are icy conditions she has witnessed several accidents.

P. Amato asked if the neighbors would grant access on the private way. At this point, there being no more public input, P. Amato closed the public hearing.

D. Damato made a motion to approve the subdivision subject to staff conditions, S. Sareault seconded. All in favor.

P. Amato asked applicant if he was aware of impact fees for library and police. Applicant had no problem with impact fees.

**5. Jamin Warren/Wyman Farms, LLC – Ponemah Hill Road – Map 53, Lot 25 and Map 54, Lots 1, 1-1, and 26.** Public Hearing for a Major Open Space Subdivision Consisting of 12 lots.

S. Sareault motioned that there is no Regional Impact, seconded by J. Dannis and all in favor.

S. Sareault motioned to accept application, seconded by J. Dannis and all in favor.

B. Schelberg read abutters list. Ray Shea, Sandford Surveying, presented proposal to the Board, explaining that the proposal was back before the board as an open space development with twelve lots. The parcel consists of four existing lots and two residences on the property and the proposal is to consolidate the lots and create a twelve-lot subdivision. The property is located on the east side of Ponemah Hill Road. The proposal is to bring a cul-de-sac in toward the east approximately six hundred and fifty feet and have lots fronting on the cul-de-sac and Ponemah Hill Road. They were here previously for a design review at that time they were approved for a fourteen-lot yield plan. They only have twelve lots on the Open Space Plan. They also received a waiver for the cul-de-sac for just over six hundred feet to avoid additional wetland impacts. The wetland application for the state will be going in soon. They did receive the staff review.

P. Amato asked for comments from the Board. S. Sareault asked B. Parker that once before they had to have approval from the state for access and wasn't sure if it was Federal Hill Road or Ponemah Hill Road. B. Parker told him that it was Federal Hill Road near the Glover property but not Ponemah Hill Road. S. Sareault then asked how the future right-of-way would work with Lot 12. R. Shea said in the future a road could extend through Lot 12, and there was enough open space to accommodate that change. Much discussion ensued on making sure the future owner of Lot 12 had a buildable lot, and that the right-of-way was guaranteed if necessary to be used by future developers or the Town.

R. Shea said deeds would be written to insure that the lot and the right-of-way are workable. S. Sareault cautioned them to be careful with the language because whoever buys lot twelve might buy something they might never own. J. Dannis wants more definition, he wants to know what the phasing plan is. R. Shea said that twelve lots would have phasing, but that the infrastructure won't be phased. J. Dannis told R. Shea to see Bill Parker and Lincoln Daley on the new phasing regulations they are working on. N. O'Connell agreed with S. Sareault regarding the right-of-way, nor was she comfortable with twelve lots at once. D. Damato also agreed with them.

R. Shea said it's down to technical review and he and P. Amato explained to the audience the meetings and steps this project had gone through. He then asked the audience/abutters if they had any questions.

Steve Demarais, developer of the project for Wyman Farms, LLC, asked for more clarification on phasing. Would building five houses the first year and five houses the second year be all right? The Board had no problem with that phasing.

Discussion followed on the frontage of Lot 12, and the need to insure that lot works. P. Amato asked B. Parker what the minimum frontage of an open space subdivision lot is and B. Parker answered fifty feet. Board discussed the right away among themselves again. P. Amato told the applicant that he needs to submit to the state and asked the Board if they would be okay to table this to the next meeting. Applicant and staff still need to obtain Dufresne- Henry review.

S. Sareault motioned to table to next meeting of Aug. 17<sup>th</sup>, seconded by T. Sloan and all voted unanimously in the affirmative.

**6. F & U Properties, LLC/Hy-Ten Die & Development Corp – 38 Powers St. – Map 43, Lot 40.** Public Hearing for a Major Site Plan to construct a 5,824 SF bulk warehouse addition to an existing industrial building.

S. Sareault made a motion that there is no Regional Impact, J. Dannis seconded, and all voted unanimously in the affirmative. D. Damato moved to accept the application, S. Sareault seconded and all voted unanimously in the affirmative.

B. Schelberg read abutters list.

Randy Haight, Meridian Land Services and representative for the applicant, presented to the Board a small warehouse addition to an existing 24,000 square foot manufacturing facility on Powers Street. R. Haight showed photos of the site from different views, and of the rear of the site where the addition would be built. P. Amato asked if the driveway presently goes around the building. R. Haight said no, and that there will also be little change to the amount of green area. S. Sareault asked if there is any change in the occupancy of the building. R. Haight said no change in occupancy, operation or hours of the building, just an addition for storage. N. O'Connell asked if they would lose parking. R. Haight said yes, but they do have additional parking to compensate for the loss.

Paul Amato opened the public hearing for comments/questions from the audience.

Joseph Trowbridge, Jerry's Way, asked what was going to be stored in this bulk Warehouse. Randy answered that it would be plastic products. J. Trowbridge asked if there would be any chemicals stored. Randy said no just end product, no chemicals. J. Trowbridge then asked about the building and if it was protected by fire and the answer was yes they would be following building code for fire protection.

Paul Amato asked R. Haight if applicant was aware of town impact fees, and R. Haight's answer was yes. P. Amato then closed the public hearing.

T. Sloan moved to approve the application subject to staff recommendations, S. Sareault seconded, and all voted unanimously in favor.

7. **Sandy Hill Realty, LLC – MileSlip Road – Map 50, Lot 4-4.** Public Hearing for a Major Site Plan for a gravel operation to remove approximately 566,000 yards of material.

Paul Amato removed himself from the Board since he is an abutter and is involved in the application. S. Sareault then took over the chair for this application. The Board then discussed whether the project had potential regional impact, and N. O'Connell stated she felt the traffic was a concern. After some discussion about the truck traffic, J. Dannis moved there was no regional impact, seconded by D. Damato and all in favor.

J. Dannis would like the Planning staff to explain the site plan and gravel operation permit relationship. Bill Parker states that the Board is acting on a site plan for the gravel operation and there is the drainage plan, grading plan and enough material for them to move forward on the review, subject to staff review. Gravel removal permits can then be granted once there is an approved site plan.

T. Sloan moved to accept the application, N. O'Connell seconded and all voted unanimously in favor.

B. Schelberg read abutters list.

Jay Heavisides then presented the proposal to the Board. The property is located south of the existing Lorden Gravel Pit and the frontage of the property is on Mile Slip Road. The entire area of site is 25.7 acres, the excavation area will be only on the eastern portion with nothing west of the brook to be touched. Access to the site will be through the existing Lorden Gravel pit out on Mason Road. Approximate volume to be excavated will be 566,000 cubic yards there about. The construction phasing would be to get the access road in and construct a small basin and then the large southern basin at the bottom. Then the excavation would proceed north to south. There is a 25 foot wetland buffer and that the Conservation Commission would like a 50 foot buffer to the wetlands. When they redo the grading they will add more area to increase buffer to 50 feet. J. Heavisides noted that no borings have been done throughout the water was encountered but they only went down 25 feet. J. Heavisides then went into some detail on the proposed gravel removal plan, stating they would be working from north to south, and he answered Board questions relative to whether there would be bonding – yes; where truck traffic will go – J. Heavisides was unsure but that no trucks would use Mile Slip Road; and if Mason Road or Whitten Road would be used and if they could handle it. J. Heavisides added that the operation is proposed for 5 years, and that hours of operation would be 7:00 AM – 5:00 PM Monday through Friday.

S. Sareault felt that this should be tabled for more review. He then opened up the hearing to the public.

Abutter Rick Smart, Mile Slip Road, is concerned about the impact on Mason Road, and on Whitten Road since that is where the new elementary is that was not there when the Lorden pit was approved. R. Smart also asked if there would be crushing, and J. Heavisides said there would not be.

Abutter Charlie Gibson echoed these concerns. Martin Sample, 196 Mason Road, wanted to know where the access to this gravel pit is now. He has concerns about the trucks going down Whitten Road now that there is a school there. Peter Smith, Osgood Road, voiced concerns about impact of the roads when these trucks are barreling down Mason and Whitten roads, and wanted to know if the Board can restrict the trucks going down Whitten Road. S. Sareault said that the Board hasn't made a decision yet.

J. Heavisides has reviewed the staff notes, including Kevin Lynch's comments. S. Sareault asked J. Heavisides if he could have everything in place for the next Meeting. J. Heavisides believed he would. N. O'Connell asked Board to see if they want to do a site walk and they all agreed.



J. Dannis motioned to table until August 17<sup>th</sup>, when they have had a chance to do a site walk, N. O'Connell seconded and all voted unanimously in favor. It was then decided to have a site walk at 5:00pm on August 3<sup>rd</sup> on Mile Slip Road.

8. **Wilfred & Marilyn Piekarski – Osgood and Mason Roads – Map 42, Lots 49, 50-1, 50-2, 50-3, 50-9, 50-10, and 55.** Public Hearing for a lot line adjustment and lot consolidation.

T. Sloan moved that there is no potential Regional Impact, N. O'Connell seconded, and all voted unanimously in favor. T. Sloan moved to accept application, D. D. Damato seconded, and all voted unanimously in favor.

B. Schelberg read abutters list.

Phil Tuomala of Monadnock Survey presented to the Board and explained to the Board that the property owners had consolidated lots several years prior, but the tax maps were never changed. A building permit was approved that in reality allowed two homes on one lot. The purpose of the application was to correct the situation. No additional building lots are being created.

Paul Amato then opened up public hearing to take questions from audience.

Jerry Abdinoor and Peter Smith, Osgood Road, wanted to know exactly where the house in question was located on the map and also what tract of land was involved. Geraldine Smith, 197 Osgood, wanted to know if there was any type of limitation to how many trees they could cut down. P. Amato said there was no limitation.

S. Sareault motioned to grant approval with staff recommendations, D. Damato seconded, and all voted unanimously in favor.

9. **VHB/The Richmond Company – Nashua St. – Map 44, Lot 10.** Review of Building elevations, Retail A & Retail B.

Andy Prolman, representing the Richmond Company, explained that a condition of the original site plan approval was that the building elevations for Retail A and Retail B, as shown on the site plan, be reviewed by the Planning Board. The Richmond Company is moving forward with this phase now, and plans to begin construction on the off-site improvements, including the extensive work necessary on 101/101A. A. Prolman then introduced the project team attending the meeting this evening.

Mike Leo, project engineer from VHB, reviewed the required on-site and off-site Improvements, and pointed out where the proposed Stop & Shop supermarket will be, as well as a proposed bank and retail space. He explained what street improvements will occur, including restriping of Nashua Street. He noted that the back of Retail A will be well hidden by landscaping along 101 and the ramps.

At this point the presentation was handed over to Andy Hyland of Port City Architecture, specialists in retail design, who said the retail design will present a strong and attractive street scape, and the store itself will be the next generation store for Stop & Shop. There will be over forty skylights in the store, lots of energy saving devices, and the loading docks are completely enclosed and sealed. The elevations reflect a great amount of color, texture, and depth, and there will be brick, stucco finish, and metal roofing. The treatment will be carried around on both sides of the building.

The Retail B building will also be considered to be important to the gateway of the Town, and they have put a lot of thought into the New England character. There will be pitched roofs, brick and columns, and cementitious clapboard. They will also fully comply with the sign ordinance, however, they are not officially presenting signage other than what will show on the Stop & Shop as informational and directional.

P. Amato opened the hearing to public and asked if any question or comments.

Linda Constanza, representing Shop and Stop let Board know that this supermarket will be a twenty-four hour operation.

Joseph Trowbridge, Jerry's Way, wanted to know if the traffic flow has been addressed. P. Amato told him, they are not here about the traffic, but about approving elevation only. B. Parker noted for Mr. Trowbridge that the traffic had been thoroughly analyzed during the initial formal site plan approval process.

Board reaction was favorable to the proposed elevations, and D. Damato then made a motion to approve the elevations as presented to the Planning Board this evening for Retail A and Retail B. The motion was seconded by N. O'Connell and all in favor.

**10. Scott Brown – Union Street – Map 42, Lot 11.** Discussion for a proposed 24-lot Subdivision of a 19.14-acre lot.

Steve Riesland, Riesland Engineering and representative for Scott Brown presented a 24-lot conceptual single-family conventional subdivision plan to the Board, as an initial step in the development of an open space subdivision at the top of Union Street. As Mr. Riesland explained, some lots will have town sewer and water. Some lots would require individual detention basins to prevent runoff onto Union Street. The plan, as explained by S. Riesland, incorporates a loop road that extends off one access point off Union Street.

P. Amato stated that the Board would require a waiver if the dead-end road exceeded the maximum 600 ft requirement. S. Riesland acknowledged that the cul-de-sac would exceed the 600-foot maximum and require a waiver. The Board then further discussed the dead end road issue. The definition of a dead-end road was revised to prevent subdivision designs such as the one being discussed. As such, the proposed road subdivision and road design would not likely be approved in its current state.

Further, the Board would like to see a conceptual open space design layout at the next meeting.

P. Amato raised the issue of an alternative access into the site. Currently, only one access way into the site exists off of Union Street.

S. Sareault wanted to know what the impact on traffic would be. S. Riesland stated that it would be looked into. P. Amato wanted to know if they could take the hump out on Union Street for site distance. S. Riesland said he measured the site distances on both directions. Board also wanted to know if there could be another access way in the future.

The Planning Board stated that they would prefer to see a conceptual open space subdivision plan before rendering a final decision on the dead-end road waiver and a possible second access into the subdivision. The Board concluded by asking if the applicant had a clear understanding of the concerns raised by the Planning Board and how to proceed in preparation for the next meeting. End of Discussion.

**11. Melendy Limited Partnership c/o Donald Becker & Suzanne McLaren – Ball Hill & Young Roads – Map 51, Lot 22 – Discussion for proposed three-lot Subdivision within a forty-six (46) acre lot.**

Ken Clinton of Meridian Land Services presented the proposal to the Board. The proposal consists of subdividing Lot 51-22 into a total of 4 lots, 3 2-acre, single-family lots and one 40+ acre lot along Young Road and Ball Hill Road. The smaller lots partially lie within the Level 1 Groundwater Protection Area and contain delineated wetlands. K. Clinton asked the Planning Board for direction regarding the need to treat the proposal as a major subdivision. Given the scale of the proposal and the proximity of the lots to Young and Ball Hill Roads, he stated that a road design was not constructed and probably not needed. P. Amato asked if they would be doing a conventional subdivision with the rest of the property next year. K. Clinton stated he did not know what his clients have for a future plan.

P. Amato asked if they meet frontage and lot line requirements. K. Clinton answered yes.

N. O'Connell stated that her only concern would be the wetland issue and would they consider enlarging the three lots. K. Clinton said he had a quick look at the plan and does not see any problems with wetland buffers.

Board discusses lot sizes and individual parcels. The discussion is ended.

**OLD BUSINESS**

**12. Ledgewood Estates/T&R Development – Christine Drive – Map 43, Lot 23- Amendment – of an approved site plan to change attached elderly condos**

From four (4) four-unit condos and one (1) three-unit condo to fourteen detached elderly condos. (Tabled from 6/15/04)

John Griffin attorney for T&R Development motioned to disqualify Dick Damato from voting on this matter. Prior to deliberation explained certain conduct from Mr. Damato, which should disqualified in the matter.

P. Amato and rest of Board read the attorney's letter. J. Dannis believed that only the Board has the right to disqualify any member by vote. T. Sloan asked if D. Damato could step down on his own. D. Damato felt that he had the right to talk to people of this town and of Ledgewood Estates.

J. Griffin attorney stated that the criteria for disqualification was that D. Damato advised and assisted abutters. Also, an anonymous letter was sent to them saying that D. Damato did have conversation with abutters and advised them and D. Damato has already made his mind up on the matter at hand. If he refuses to step down then Board members must vote on disqualifying him. D. Damato told Board he does not want to step down. P. Amato tells the Board they have to decide. N. O'Connell felt that when D. Damato left the table at last month's meeting to talk to the Ledgewood Estates abutters she was upset at that because he did not stay and hear out the other agenda items. However, Planning Board members talk to people all the time and she does not want him to step down because of that.

J. Dannis motioned to vote on the question if D. Damato should be disqualified from hearing about Ledgewood Estates Phase 4, S. Sareault seconded with discussion. After discussion P. Amato moved to vote. J. Dannis voted yes, S. Sareault voted yes, N. O'Connell voted no, T. Sloan voted no and P. Amato withdrew from voting. Vote was a tie. P. Amato wanted to move to table until next meeting so they would have a chance to discuss the issue with Town Counsel. D. Damato further stated that he did not want to table so he stepped down.

P. Amato stated that a certain amount of emotion is involved with Ledgewood Estates. Because of this he wanted to clarify what issues are under the purview of the Planning Board. The Planning Board can only be concerned with the drainage and erosion control measures approved for the site. Issues such as condo building repairs must be reported to Kevin Lynch or people's attorneys. For purposes of this hearing, the Planning Board is concerned with the proposed site plan amendments on Phase IV of the site plan. At this juncture, the drainage is the only issue that they can speak to. S. Sareault received a letter from Tom and Annette Gearing questioning what the Board can do. S. Sareault read the letter he wrote on June 10<sup>th</sup> to them regarding this issue.

The Planning Board then discussed why Ledgewood Estates was tabled. The proposal was tabled the first time in order to resolve drainage issues and address the concerns of the public. They were waiting for a letter from Kevin Lynch saying that the drainage problem had been fixed. S. Sareault stated that the conditions needed to

be met and to hear the case and act on it, but not start the work until the conditions of the approved site plan are met.

J. Kevan explained the proposed site plan amendments to the Planning Board. Phase IV of the previously approved site plan contained 5 attached elderly condos (4 - four units, 1 – three unit condo). The amendment would change the 5 attached to 14 detached condominium units. The new configuration reduces the density by a total of 4 units.

Paul Amato asked how would the new configuration affect the overall layout of the site. J. Kevan replied that with the exception of few grading, drainage control measures, and road design changes, then new configuration does not significantly change the layout of the site. P. Amato then asked if Christine Drive was a town road? J. Kevan answered no.

S. Sareault asked what are the engineering changes to the plan. J. Kevan answered that the grading around the unit and the drainage stays the same. They would be capturing the drainage in an underground detention storage area. N. O’Connell asked what the purpose of making the changes from attached units to detached units. J. Kevan answered that the detached units were selling faster. S. Sareault asked B. Parker when they approved this application did he recommend that an engineer go over the plans. B. Parker said that Dufresne Henry looked over the plans and approved them. J. Dannis asked the staff if the felt conclusion of the drainage has been resolved. T. Sloan then asked if Greg Heyn was consulted at all. B. Parker said as far as he knew the drainage issue was resolved. Regarding any consultation from Mr. Heyn, no he was not consulted.

T. Sloan asked if they have the results of the condo association. P. Amato reads off letter of results of votes. After reading the results of the condominium association vote, Paul Amato opened up hearing to public.

William Eagan, 1 Jerry’s Way, felt that the site is in “non-conformance” because of past variances that were granted by the Town for phases 1, 2, 3, and 4. W. Eagan argued that T & R Development was allowed to narrow the width of the road, reduce the density, and modify grading. People are now dealing with poor construction of the buildings. The whole package, as presented to the Board, has been continually modified. The developer now wants the Town to approve town houses with five fewer units and five fewer partakers of the community, which defeats the whole purpose of variances that the Board granted.

N. O’Connell suggested that the Planning Board conduct a site walk. She stated that if there are still drainage issues that are not being addressed, they should not move forward until they can go up and look at it themselves. P. Amato questioned the need for a site walk given that enforcement or compliance issues are dealt with by the code enforcement officer who has told them the concerns have been addressed.

B. Parker stated that a site walk might be needed, but the consulting Engineer and Kevin Lynch is handling matters covered by the future plan phases.

P. Amato then explained that according to the abutters, the code enforcement officer failed to address the various issues and that they have no other means of recourse than to approach the Planning Board.

J. Griffin stated that the code enforcement officer found no significant problems and is working with the building to address the concerns of abutters. This developer has a good reputation and he is a credit to the community. He further went on to state that there will always be problems with customer disputes and builders.

S. Sareault asked if this went to the Zoning Board. B. Parker answered in the affirmative. S. Sareault asked if the density of grading a consideration and B. Parker stated a waiver was granted for the grade on Ledgewood Drive.

D. Damato then asked if the amendment falls under the 62 and over or the 55 and over Zoning Ordinance. J. Kevan said that this is an amendment to a site plan. B. Parker expanded on J. Kevan's reply by stating that it should be considered grandfathered.

J. Kevan said that the developer had a tough site to work on and has had many construction issues and heavy rains. The developer is attempting to address these items. J. Kevan felt that the Board should go out and look at development.

P. Amato stated he did not want to do Kevin Lynch's job. D. Damato brought up the 62 issue again, stating for example, the Badge Hill major change plan would go under the 62 regulations and they should check with town counsel that both parties have to be 62.

J. Griffin stated that the Attorney General of Consumer affairs approved the changes and condo fee for plowing and lawn mowing on the unit basis. Paul Amato asked Board how they felt if they check with Town Counsel.

Fred Murphy, 8 Christine Drive, raised the concern over of safety of the citizens.

L. Daley suggested a compliance hearing citing a past case that went before the Planning Board. He went on to explain that with the proposed golf course in Milford, the Planning Board determined that a compliance hearing was need to ensure that certain conditions were being met and public concerns were addressed while allowing the project to move forward.

Paul Amato wanted to know who would be the referee. L. Daley suggested that Kevin Lynch and Dufresne Henry provide the input before the Planning Board. S. Sareault asked if the amendment as proposed is ready to be accepted by the Board.

L. Daley replied that all of the necessary steps had been taken and that amendments could be approved.

Paul Amato questioned the drainage plan in place and wanted to know if the design of the drainage works. L. Daley said the drainage plan was reviewed and approved. S. Sareault wanted to know what information they need to approve the amendment. As the amendment is presented it does not change the drainage design. N. O'Connell asked J. Kevan if he has been at the site since June 11<sup>th</sup>. J. Kevan answered no. N. O'Connell then stated that then he does not know if the drainage has been fixed. J. Dannis felt because of the number of questions of the drainage project that the right way is to not approve until the Board members have a chance to walk the site to make a determination if the drainage is fixed. He does not like being a building inspector but felt this is the way to go. P. Amato wanted to talk with Town Counsel. J. Dannis told applicant that they are not trying to delay the project and most likely will approve, not their purview, but they feel they should look at the site.

S. Sareault motioned to have a site walk and talk with Town Counsel, J. Dannis seconded and all in favor. The date of the site walk would be on Aug. 10<sup>th</sup>, 5:00pm at Ledgewood Estates. This agenda item will be tabled until the next Planning Board meeting on Aug. 17<sup>th</sup>.

**13. Vizas Reality LLC/George Sklavounos – 524 Nashua Street, Map 32, Lot 7.**  
Major Site Plan for the construction of a new restaurant. (Tabled from 6/15/04)

Andy Prolman presented the proposal to the Board. The plan will require three waivers: (1) a change in the front yard setback from 10 feet to 3 feet, (2) a waiver to reduce travel aisle from 24 feet to 23 feet, and (3) a waiver to change the handicap parking area to 18 feet instead of the required 20 feet.

S. Sareault motioned to table applicant until the next Planning Board meeting on August 17<sup>th</sup>, J. Dannis seconded and all in favor.

A. Prolman wanted to discuss with the Fire Department regarding the gate, sidewalk along Nashua Street, and access easement from Dr. Weir's property to install a fence.

Mike Cheever went to the Conservation Commission and got a favorable response. They will be filling in buffer area. The plan shown was did not have an adequate turning situation for a delivery truck. They met with Chief Pauley who also preferred not to have a gate. They are awaiting the final report from Fire Chief Pauley.

Paul Amato asked about the gate and whether anyone could use it. M. Cheever said he was not sure what sign they would put up on the gate, but it would not be for public use, but EMS only. He is also not sure about which side on the street to have a sidewalk. They went before the Zoning Board and they want easement on Dr. Weir's property and if they gave him a fence it would go away.

S. Sareault asked about the on driveway entrance only. M. Cheever said that there won't be a light at the Ponemah Hill intersection next March, but not sure about the following March and they have now striped the road in that area and already painted a turn lane on the west side. D. Damato asked about a waiver on parking and M. Cheever said that they needed three waivers. He also stated that he would rather not use maple trees for landscaping, but flowering trees because they do not get dense and you can see through them. The feature window is now facing west and would like a terrace at the plaza, not sure of seating count but it would encourage more lunch time business but it would only be for choice times. They also need five handicap parking spaces which will work and the second waiver is the ordinance for a 24 foot travel aisle creating one way flow and the front one needs to go back to 23 feet.

S. Sareault appreciated moving the access, but that unsignalized intersection poses a hazard. He wants to check comment review record from last time.

N. O'Connell asked when Richmond Company was in how does this signalization affect their project. B. Parker said he will go back and make sure it's all coordinated.

J. Dannis motioned to approve waiver for front yard setback from 10 feet to 3 feet, S. Sareault seconded, and all unanimously in favor.

J. Dannis motioned to approve waiver to reduce travel aisle from 24 feet to 23 feet, D. Damato seconded, subject to staff approval, and all in favor.

J. Dannis motioned to approve handicap parking area to 18 feet instead of 20 feet, S. Sareault seconded, and all unanimously in favor.

S. Sareault motioned to table applicant until the next Planning Board meeting on August 17<sup>th</sup>, J. Dannis seconded and all in favor.

**14. Falcon Ridge/River Road Trust – Maple St. & Whiting Hill Road – Map 3, Lots 4 & 5 – (Tabled from 6/15/04)**

S. Sareault motioned to Table until next Planning Board Meeting on Aug. 17<sup>th</sup>, N. O'Connell seconded and all in favor.

**15. Next meeting – Planning Board work session, July 27, 2004.**